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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

IWEB GROUP, INC., a Canadian
company d/b/a iWeb.com; IWEB
INTELLECTUAL PROPERTY INC., a
Canadian company d/b/a iWeb.com;
IWEB TECHNOLOGIES, INC., a
Canadian company d/b/a iWeb.com; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 13 CV 0328 BTM BLM

Before Honorable Barry Ted Moskowitz

**PERFECT 10'S REQUEST TO STRIKE
DEFENDANT IWEB'S UNTIMELY
MOTION TO STAY AND FOR LEGAL
FEES AND COSTS UNDER FED. R.
CIV. P. 41(d)**

1 TO THE COURT, ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Pursuant to Local Rule 7.1(e)(7), Perfect 10 hereby requests that the Court strike
3 the untimely Notice of Motion and Motion to Stay and for Legal Fees and Costs Under
4 Fed. R. Civ. P. 41(d) ("Motion to Stay"), Docket No. 28, filed today by Defendants
5 iWeb Group, Inc., iWeb Intellectual Properties, Inc., and iWeb Technologies, Inc.
6 (collectively "Defendants"). The motion was noticed for today, June 21, 2013, the day
7 the moving papers were filed and therefore is untimely and is in violation of Local
8 Rule 7.1(e)(1), which requires a minimum filing date of twenty-eight (28) days prior to
9 the date for which the matter is noticed. Plaintiff Perfect 10, Inc. respectfully requests
10 that the Court strike the untimely Motion to Stay, or in the alternative, order the
11 Defendants to obtain a hearing date, as required by Local Rule 7.1(b) that would allow
12 sufficient time for Perfect 10 to file a response pursuant to Local Rule 7.1(e)(2)
13 allowing Perfect 10 a minimum of 14 calendar days before the hearing date to respond.

14 Dated: June 21, 2013

RESPECTFULLY SUBMITTED,
PERFECT 10, INC.

16 By: 
17 Natalie Locke

18 Attorneys for Plaintiff Perfect 10, Inc.